

87<sup>th</sup> Legislative Session – 2012

Committee: House Education

Wednesday, January 25, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Elliott  
P Haggard  
P Hunt  
P Jones  
P Killer  
P Lucas  
P Miller  
P Perry  
P Schaefer  
P Stricherz  
P Tulson  
E Vanneman  
P Venner  
P Sly, Vice-Chair  
P Brunner, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Brunner, Chair.

MOTION: TO APPROVE THE MINUTES OF JANUARY 23, 2012.

Moved by: Hunt  
Second by: Venner  
Action: Prevailed by voice vote.

HB 1144: enhance educational and economic activities for Native Americans.

Proponents: JR LaPlante, Department of Tribal Relations

Chair Brunner appointed a subcommittee of the following members to review HB 1144: Representatives Killer, Lucas, Stricherz, Vanneman, and Brunner.

The Chair deferred HB 1144 to a later day.

HB 1005: revise certain provisions regarding the excuse from attendance of children receiving alternative instruction.

Proponents: Bobbi Rank, Department of Education (Handouts 1 and 2)  
Dick Tieszen, Rapid City School District and Sioux Falls School District  
(Handout: 3)  
Matthew Irwin, SD Christian Home Schools  
Wade Pogany, Associated School Boards of SD

MOTION: DEFER HB 1005 UNTIL A LATER DAY.

Moved by: Hunt  
Second by: Sly  
Action: Failed by roll call vote. (6-8-1-0)

Voting Yes: Hunt, Jones, Perry, Schaefer, Venner, Sly

Voting No: Elliott, Haggard, Killer, Lucas, Miller, Stricherz, Tulson, Brunner

Excused: Vanneman

MOTION: AMEND HB 1005

1005cc

On page 2, line 1, of the printed bill, overstrike "school board" and insert "Department of Education".

On page 2, line 5, overstrike "school board" and insert "Department of Education".

On page 2, line 13, delete "chapter 13-46" and insert "chapter 1-26".

On page 2, line 15, after "all" insert "applications and".

On page 2, line 15, overstrike everything after "kept" and insert "by the public school of the district where the child has school residence as defined in § 13-28-9.".

On page 2, line 16, overstrike everything before "Any" .

On page 2, line 18, overstrike "any" and insert "the application and".

On page 2, line 18, after "forwarded" insert "by the public school".

On page 2, line 19, overstrike "Copies of any certificates" and insert "A copy of the completed application and certificate".

On page 2, line 19, overstrike "also be forwarded" and insert "be provided by the Department of Education".

On page 2, line 20, overstrike everything after "instructed." .

On page 2, after line 20, insert:

"

Section 4. That § 13-27-3 be amended to read as follows:

13-27-3. A child shall be excused from school attendance, pursuant to § 13-27-2, because the child is otherwise provided with alternative instruction for an equivalent period of time, as in the public schools, in the basic skills of language arts and mathematics. The parent or guardian of the child shall identify in the application the place where the child will be instructed and any individual who will instruct the child. The individuals are not required to be certified. The secretary of the Department of Education may investigate and determine whether the instruction is being provided. Failure to provide instruction is grounds ~~for the school board~~, upon thirty days' notice, to revoke the excuse from school attendance. The secretary of the Department of Education may inspect the records of an alternative education program with fourteen days' written notice if the secretary has probable cause to believe the program is not in compliance with this section. The records to be inspected are limited to attendance and evidence showing academic progress.

No individual may instruct more than twenty-two children. All instructions shall be given so as to lead to a mastery of the English language. Children receiving alternative instruction who are in grades two, four, eight, and eleven shall take a nationally standardized achievement test of the basic skills. The test may be the test provided by the state and used in the public school district where the child is instructed or another nationally standardized achievement test chosen by and provided at the expense of the child's parent, guardian, or school giving alternative instruction. The test may be monitored by the local school district where the child is instructed."

Moved by: Perry

Second by: Hunt

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1005

1005cb

On page 1, line 11, of the printed bill, after "application" insert "with a school official".

On page 2, delete lines 6 to 13, inclusive.

Moved by: Sly  
Second by: Venner  
Action: Prevailed by roll call vote. (8-6-1-0)

Voting Yes: Elliott, Hagggar, Miller, Stricherz, Tulson, Venner, Sly, Brunner

Voting No: Hunt, Jones, Killer, Lucas, Perry, Schaefer

Excused: Vanneman

MOTION: DO PASS HB 1005 AS AMENDED

Moved by: Sly  
Second by: Venner  
Action: Prevailed by roll call vote. (12-2-1-0)

Voting Yes: Elliott, Hagggar, Hunt, Killer, Miller, Perry, Schaefer, Stricherz, Tulson, Venner, Sly, Brunner

Voting No: Jones, Lucas

Excused: Vanneman

HB 1145: revise certain provisions relating to the nonrenewal of a teacher's contract.

Proponents: Representative Betty Olson (Handout 4)  
Opponents: Bryce Healy, SD Education Association  
Wade Pogany, Associated School Boards of SD  
John Pedersen, School Administrators of SD

Melody Schopp, secretary of the Department of Education, provided information and answered questions of committee members.

The Chair deferred HB 1145 to another day.

**MOTION:** TO INTRODUCE AT THE REQUEST OF THE GOVERNOR AN ACT TO PROVIDE REWARDS FOR THE BEST TEACHERS AND THOSE TEACHING IN MATH AND SCIENCE SUBJECT AREAS, TO REVISE CERTAIN PROVISIONS REGARDING EVALUATION OF TEACHERS, TO CREATE A SYSTEM FOR EVALUATING PRINCIPALS, TO DISTINGUISH BETWEEN TENURED AND NONTENURED TEACHERS, TO REVISE CERTAIN PROVISIONS REGARDING THE EMPLOYMENT OF TEACHERS, AND TO REPEAL PROVISIONS REGARDING THE TEACHER COMPENSATION ASSISTANCE PROGRAM.

Moved by: Hunt

Second by: Perry

Action: Prevailed by roll call vote. (11-3-1-0)

Voting Yes: Elliott, Haggar, Hunt, Killer, Perry, Schaefer, Stricherz, Tulson, Venner, Sly, Brunner

Voting No: Jones, Lucas, Miller

Excused: Vanneman

**MOTION:** ADJOURN

Moved by: Hunt

Second by: Haggar

Action: Prevailed by voice vote.

Grace Curtis  
Committee Secretary

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Thomas J. Brunner, Chair